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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

MAURITIUS

1. The Committee considered the initial report of Mauritius (E/1990/5/Add.21) at its 40th, 41st and 43rd meetings on 27 and 28 November 1995 and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the comprehensive initial report of the State party prepared in accordance with its Revised general guidelines, which was submitted shortly after substantive concluding observations were adopted by the Committee in May 1994. The Committee recalls that previous to this, Mauritius had not fulfilled its reporting obligations under articles 16 and 17 of the Covenant since it became a State party on 3 January 1976. In the continued absence of the report, the Committee at its tenth session proceeded to consider the state of implementation by Mauritius of the economic, social and cultural rights contained in the Covenant.

3. The Committee thanks the State party for the written reply to the list of issues and for the additional information provided by the delegation during its open and constructive dialogue with the Committee.

* At its 55th meeting on 6 December 1995.

B. Factors and difficulties impeding the implementation of the Covenant

4. The Committee considers that, notwithstanding the geographical isolation of the island of Rodrigues and the consequent logistical problems in the delivery of basic government services, a fact which is of considerable impediment, the Mauritian Government is still under the obligation to ensure the enjoyment by the population of Rodrigues of its economic, social and cultural rights.

C. Positive aspects

5. The Committee commends the positive reaction by the State party to the concluding observations referred to in paragraph 2, which have been taken into account when introducing the changes in Mauritian law. In particular it welcomes the amendments in August 1995 of Section 16 of the Constitution of Mauritius which now prohibits discrimination on the basis of gender in addition to "colour or creed" and of the Citizenship Act of 1968, removing gender discrimination in relation to foreign spouses of Mauritians.

6. The Committee notes with satisfaction the repeal of the 1984 Newspaper and Periodicals Act which had hindered the freedom of expression with respect to the Government's policies, including in the sphere of economic, social and cultural rights.

7. The Committee appreciates the measures being taken by the State party to improve legislation in the field of mental health and physical disability.

8. The Committee notes with satisfaction that the continuing economic growth in Mauritius has been accompanied by considerable achievements in human development which was likewise noted in the concluding observations of May 1994. The statistical profile on socio-economic indicators reflects a positive assertion of the avowed commitment by the Government to ensure better education, health, nutrition and a cleaner environment, to improve the quality of life, and to promote equality.

9. The Committee notes with appreciation the readiness of the State party, as expressed by the delegation, to continue constructive dialogue and cooperation with the Committee, with a view to ensure the effective implementation of the provisions of the Covenant.

D. Principal subjects of concern

10. The Committee reiterates its concern that, despite encouraging developments in legislation, women in Mauritius continue to occupy a subordinate role in society affecting their full enjoyment of economic, social and cultural rights, particularly where it applies to equal pay for men and women. In the agricultural sector for example, the Committee is not satisfied with the explanation of "differentiation but not discrimination" proferred by the delegation of Mauritius.

11. The Committee expresses its concern over the uncertain situation of foreign workers, and over the inability of the Government to ensure their rights set forth in the Covenant, in particular in articles 6, 7 and 9.

12. With regard to article 8 of the Covenant, the Committee reiterates its concern as to the adverse effects of the Industrial Relations Act of 1973, which is still in force, on trade union rights and the right to strike. The Committee notes with concern that the Trade Union and Labour Relations Bill

proposed in 1994, far from following the recommendations of the Special Law Review Committee, appears to be even less favourable to the exercise of these rights and was thus rejected by the entire trade union movement of Mauritius. The same observation applies to the proposed National Pay and Productivity Council Bill.

13. The Committee expresses grave concern over the reported rise in child abuse, child prostitution, domestic violence against women, teenage pregnancy, abortion, suicide as well as alcohol and drug abuse. The Committee regrets the apparent absence of Government information and statistics on these matters, in spite of assurances from the delegation that further information will be sent in writing very soon in the future.

14. The Committee expresses its regret that the State party failed to disseminate public information concerning human rights in general and the International Covenant on Economic, Social and Cultural Rights in particular. In addition, it notes with concern the absence of human rights education in all schools curricula.

E. Suggestions and recommendations

15. The Committee encourages the Government to pursue its current efforts to eliminate discriminatory practices against women and to ensure in the practical application of the new laws the full enjoyment of their economic, social and cultural rights.

16. The Committee recommends a review of the situation of foreign workers to ensure the same protection enjoyed by Mauritian nationals, in particular where it concerns articles 6, 7 and 9.

17. The Committee recommends that the revised industrial relations legislation to be proposed in the near future will take into account the report of the Special Law Review Committee and effectively enable the exercise of trade union rights, and particularly the right to strike in conformity with the obligations which Mauritius has undertaken in this regard.

18. The Committee recommends an in depth study and analysis of the situation of child abuse, child prostitution, domestic violence against women, teenage pregnancy, abortion, suicide as well as alcohol and drug abuse, and how State party can best protect and ensure the economic, social and cultural rights of the population of Mauritius affected by those problems. In relation to this, the State party should, inter alia, initiate efforts to gather statistics and other information relevant to the situation.

19. The Committee recommends that the Government of Mauritius should adopt without delay an intensive and systematic public information campaign on human rights in general and on the International Covenant on Economic, Social and Cultural Rights.

20. The Committee recommends that steps be taken to incorporate human rights education in all schools curricula, in accordance with the goals and objectives of the Decade for Human Rights Education.